

AMENDED IN SENATE JUNE 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1717

**Introduced by Committee on Agriculture (Parra (Chair), ~~La Malfa~~
(~~Vice Chair~~), ~~Berryhill~~, Dymally, ~~Fuller~~, Galgiani, Jones and
Mendoza)**

March 5, 2007

An act to amend ~~Section 13000~~ of *Sections 13000 and 15204* of, and to add *Section 15204.5* to, the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 1717, as amended, Committee on Agriculture. Pesticides.

Existing law requires that any action brought for various violations of provisions of law and regulations regarding pesticides be commenced within 2 years of the occurrence of the violation, with specified exceptions, including actions brought to collect civil penalties imposed pursuant to specified provisions of law, which shall be brought within 4 years of the occurrence of the violation.

This bill would include among actions that shall be brought within 4 years of the violation, actions brought to collect civil penalties for violations of provisions of law prohibiting sale of any adulterated or misbranded pesticide.

Existing law generally regulates pest control operators, field representatives, and applicators.

This bill would require Branch 2 and Branch 3 structural pest control operators and companies registered with the Structural Pest Control Board to register with the agricultural commissioner prior to operating a structural pest control business within a county. This bill would

provide that a fee may be levied at the time of the registration. This bill would also provide that the commissioner may levy a civil penalty against any person who violates these provisions.

This bill would also provide that it is unlawful for board licensed Branch 1 pest controllers to conduct fumigations unless that person has registered with the commissioner. This bill would provide that a fee may be levied at the time of the registration. This bill would also provide that the commissioner may levy a civil penalty against any person who violates these provisions. Because this bill would create a new crime, this bill would impose a state-mandated local program.

This bill would also require licensed pest controllers, structural pest control operators, field representatives, applicators, and companies registered with the Structural Pest Control Board to notify the agricultural commissioner at least 12 hours prior to commencing fumigation operations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13000 of the Food and Agricultural Code
2 is amended to read:
3 13000. (a) Except as provided in subdivisions (b) and (c), an
4 action brought pursuant to this article shall be commenced by the
5 director, the commissioner, the Attorney General, the district
6 attorney, the city prosecutor, or the city attorney, as the case may
7 be, within two years of the occurrence of the violation.
8 (b) When a commissioner submits a completed investigation to
9 the director for action by the director or the Attorney General, the
10 action shall be commenced within one year of that submission.
11 However, nothing in this subdivision precludes the director from
12 returning the investigation to the commissioner for action to be
13 commenced by the commissioner, the district attorney, the city
14 prosecutor, or the city attorney, as provided in subdivision (a).

1 (c) An action brought by the director to collect unpaid mill
2 assessments and delinquent fees required by Article 4.5
3 (commencing with Section 12841) or an action brought by the
4 director to collect civil penalties pursuant to Section 12999.4 for
5 violations of Article 4.5 (commencing with Section 12841), Section
6 12992, Section 12993, or Section 12995 shall be commenced
7 within four years of the occurrence of the violation.

8 *SEC. 2. Section 15204 of the Food and Agricultural Code is*
9 *amended to read:*

10 15204. (a) Each licensed *Branch 2 and Branch 3* structural
11 pest control operator, *as defined in subdivision (a) of Section 8560*
12 *of the Business and Professions Code, and Structural Pest Control*
13 *Board registered company, as defined in Section 8506.1 of the*
14 *Business and Professions Code*, shall ~~notify~~ register with the
15 commissioner prior to operating a structural pest control business
16 in the county. The ~~notification~~ registration shall cover a calendar
17 year, ~~unless a shorter time is specified by the structural pest control~~
18 ~~licensee~~. A fee may also be required at the time of ~~notification~~
19 registration. The fee shall be set by the county board of
20 supervisors, except that in no case shall the fee exceed the actual
21 cost of processing the ~~notification~~ registration or ten dollars (\$10),
22 whichever is less. Payment of the fee shall be due by the date
23 designated by the commissioner.

24 (b) Each ~~notification~~ registration shall be in a form prescribed
25 by the director after consulting with the Structural Pest Control
26 Board and commissioners and shall ~~be limited to include~~ the
27 structural pest control licensee's name and address ~~(including each~~
28 ~~place of, including all satellite locations conducting business in~~
29 ~~the county); county~~, telephone numbers, responsible persons, and
30 the type of pest control to be conducted.

31 ~~(c) Each structural pest control licensee who intends to conduct~~
32 ~~fumigation operations may be required to appear in person at the~~
33 ~~office of the commissioner to complete notification.~~

34 ~~(d)~~

35 (c) If ordered by the commissioner, other structural pest control
36 licensees shall appear in person at the office of the commissioner
37 to complete ~~notification~~ registration.

38 (d) *The commissioner may levy a civil penalty against any*
39 *person who violates the provisions of this section in accordance*
40 *with the procedures provided in Section 12999.5.*

1 *SEC. 3. Section 15204.5 is added to the Food and Agricultural*
2 *Code, to read:*

3 *15204.5. (a) It is unlawful for any licensed Branch 1 Structural*
4 *Pest Controller, including structural pest control operators, field*
5 *representatives, applicators, and Structural Pest Control Board*
6 *(SPCB) registered companies, as defined in Section 8506.1 of the*
7 *Business and Professions Code, to conduct fumigations in any*
8 *county unless that person or company has also registered for the*
9 *current calendar year with the commissioner in that county. The*
10 *registration fee for the SPCB registered company including field*
11 *representatives and applicators shall be set by the county Board*
12 *of Supervisors, but shall not exceed the cost of processing the*
13 *registration or twenty-five dollars (\$25), whichever is less. Payment*
14 *of the fee shall be due at registration or on a date set by the*
15 *commissioner. Field representative and applicators may be added*
16 *during the year, but the fee shall not exceed the actual cost of*
17 *processing the registration or ten dollars (\$10), whichever is less.*

18 *(b) Each registration shall be in the form prescribed by the*
19 *director after consulting with the SPCB and the commissioners*
20 *and shall include the name and address of the SPCB registered*
21 *company or structural pest control operator and all satellite offices*
22 *conducting business in the county, the name of the qualifying*
23 *manager or the structural pest control operator and his or her*
24 *license number, and a business telephone number. The registration*
25 *form for field representatives and applicators shall include their*
26 *name, license number, business address, and telephone number,*
27 *and may be included with the business registration.*

28 *(c) Each licensed structural pest controller, including structural*
29 *pest control operators, field representatives, applicators, or an*
30 *SPCB registered company, that intends to conduct fumigation*
31 *operations is required to appear in person at the office of the*
32 *commissioner to complete the registration required by Section*
33 *15204.*

34 *(d) Each SPCB registered company or structural pest control*
35 *operator that intends to conduct fumigation operations shall notify*
36 *the agricultural commissioner at least 12 hours prior to*
37 *commencing fumigation, or as approved on a case-by-case basis*
38 *by the commissioner. This notice shall include all of the following:*

39 *(1) Name and address of the registered company or structural*
40 *pest control operator.*

1 (2) *Address of the area or areas to be fumigated.*

2 (3) *The pesticide to be applied.*

3 (4) *The date of the intended application.*

4 (e) *The commissioner may levy a civil penalty against any*
5 *person who violates the provisions of this section in accordance*
6 *with the procedures provided in Section 12999.5.*

7 SEC. 4. *No reimbursement is required by this act pursuant to*
8 *Section 6 of Article XIII B of the California Constitution because*
9 *the only costs that may be incurred by a local agency or school*
10 *district will be incurred because this act creates a new crime or*
11 *infraction, eliminates a crime or infraction, or changes the penalty*
12 *for a crime or infraction, within the meaning of Section 17556 of*
13 *the Government Code, or changes the definition of a crime within*
14 *the meaning of Section 6 of Article XIII B of the California*
15 *Constitution.*